REMARKS

In the Final Office Action dated December 6, 2002, the Examiner maintained his rejection of the pending claims under 35 U.S.C. §§ 103 and/or 112. Specifically, the Examiner rejected claims 3-14 under 35 U.S.C. § 112 as containing subject matter not described in the specification. Applicant respectfully disagrees. Applicant with like to direct the Examiner's attention to applicant's original disclosure at p. 6 lns. 5-10, p.7 lns. 5-10, p. 7 ln. 21 through p. 8 ln. 2, p. 32 lns 4-17 (esp. Lns. 9-12), p. 47 ln. 16 through p. 48 ln. 18, and p. 51 ln. 6 through p. 52 ln. 1. Applicant submits that such disclosure reasonably conveys to a person of skill in the relevant art that the inventor had possession of the "wherein said system initiates" subject matter of the claimed invention at the time the application was filed. It is therefore requested that this rejection be withdrawn.

Next, the Examiner rejected claims 3-14, 41-46 and 48-49 under 35 U.S.C. § 103 as unpatentable over Hyodo U.S. Patent No. 5,937,390 (Hyodo) in view of Rondeau U.S. Patent No. 5,850,433 (Rondeau). Here too applicant disagrees. Indeed, the above amendments and the following remarks will convince the Examiner that the rejection of the pending claims should be reconsidered and withdrawn. In short, applicant respectfully submits that the Examiner's application of the teachings of the cited art vis-a-vis applicant's claimed invention is misplaced. Moreover, on further reflection, we are confident that the Examiner will recognize that the rejections based on Hyodo in view of Rondeau is nothing more than a hindsight reconstruction of the applicant's invention.

Applicant respectfully submits that the claims, as amended, are neither anticipated nor rendered obvious by the cited references. In particular, independent Claims 3 and 9 claim a computer-based advertising system that determines if an advertiser is available via the Internet and then, depending on

the advertiser's availability, routes the call to the advertiser on-line, as a first choice, and to a telephone, if the advertiser is not available on-line. Neither Hyodo nor Rondeau teach such a novel method. Rather, Rondeau merely teaches a communication to a business where the availability of someone to answer a call is assumed. This is in stark contrast to a communication between two private parties, where no such assumption of availability can be made. Moreover, neither Hyodo nor Rondeau in any way teach a call routing method that uses a standard telephone as a backup to on-line availability. Therefore, applicant respectfully submits that the rejection of both Claims 3 and 9, and theire associated dependent claims, are traversed and the rejection should be withdrawn.

Turning next to Claim 41, what is claimed is a computer based advertising system which notifies an advertiser that someone is trying to make contact prior to connecting the respondent and the advertiser, thereby preserving the advertiser's privacy. This important privacy feature is not taught by either Hyodo or Rondeau. Moreover, Claim 41 provides the advertiser with the ability to setup and control this privacy feature via the Internet thereby giving the advertiser greater control over the use of the system. Hyodo does not teach such a method of Internet communication. It therefore follows that Hyodo cannot disclose a method for setting up a feature that is not taught. Conversely, while Rondeau does teach a form of Internet communication, it fails to teach that the advertiser is notified prior to coupling the responder to the advertiser as in the claimed invention. In addition, Rondeau does not teach that any of its features may be setup via the Internet. Thus, the invention claimed in Claim 41 is plainly distinct from Hyodo and Rondeau, either alone or in combination, in two significant ways. Consequently, applicant submits that the Examiner's rejection of Claim 41 and its associated dependent claims is now traversed, and requests that this rejection be withdrawn.

Therefore, as is evidenced by the above amendments and remarks, the present invention represents a patentable contribution to the art and the application is now in condition for allowance. Early and favorable action is accordingly solicited.

Respectfully submitted,

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